

PUBLIC HEARING – MAY 18, 2015

Mayor Grenier opened the duly advertised public hearing at approximately 7:48 p.m. to discuss the following subject matter: Ordinance 2015-08R-1 Amending Downtown Use Zoning Ordinance.

- Doug Harvey, spoke on behalf of the American Legion, Ladies Auxiliary and Sons of the American Legion representing about 260 members. The reason they want to move is because their present location is not handicap accessible due to the 22 steps they need to climb. The new location should increase membership. They will be open their regular hours from 3:00 p.m. until 9:30 p.m. The new facility is smoke free but they will have a designated smoking area in the back entrance by Moxie Alley. The organization wants to be an active part of the community and they hope to have the support of the Mayor and Council.

Lisa Hogan, 29 Ninth Street is a wife, mother, grandma and a Federal Employee, served 18+ years and is a veteran. She represents a different clientele promoting the American Legion as a service organization promoting patriotism and helping veterans who can't participate. They all deserve moving downtown which would make them more accessible in the community.

Joe Vigue, 67 Wood Street, said the American Legion has been here since 1919. Contrary to what people think, it is not just a bar. It is a service organization for families and they have 2 school programs. They could do more if they were handicap accessible. Parking was considered an issue but it would be minimal since most would still park on Pleasant Street. He personally does not mind the walk because it is better than the stairs they currently have. Smoking is not an issue and the downtown will have two less empty store fronts. 260 people hope not only that the ordinance passes but that it passes with a unanimous yes vote.

There being no one else wishing to speak for or against the subject matter at this time, Mayor Grenier declared the Public Hearing portion of the Meeting closed at approximately 7:56 p.m.

CITY COUNCIL MEETING – Monday, May 18, 2015

Mayor Grenier called the Regular City Council Meeting to order at approximately 7:57 p.m. in the City Hall Council Chambers. The pledge of allegiance to the flag preceded roll call. Present: Councilors Remillard, Otis, Morgan Allain, Gentili, Higbee, Rozek, Nelson and Theberge. Also present: City Manager James Wheeler, Pam Laflamme, Susan Tremblay, several veterans, and Barbara Tetreault.

Minutes, Previous Meeting

Councilor Remillard moved with a second by Councilor Otis to accept the minutes of the May 4 Regular Meeting/Work Session, May 11 Work Session. So moved, the motion carried.

Disbursements: Disbursement Summary Draft #1740 start date 5/05/2015 end date 5/18/2015 for a total cash disbursement of \$672,323.57. Councilor Theberge moved with a second by Councilor Nelson to accept the disbursement summary and pay all bills as recommended by the Committee on Accounts/Claims. So moved, the motion carried.

PUBLIC COMMENTS – No Comments

UNFINISHED BUSINESS

1. Council Committee Reports – No Reports.
2. Ordinance 2015-08 R-1 Amending the Code of Ordinances of the City of Berlin, Chapter 17, ZONING, ARTICLE IV, Establishment of Zoning Districts, Section 17-41, Zoning Districts-ARTICLE IX, DOWNTOWN ZONE, Uses, Section 17-92, Permitted Uses. (tabled 5/4/2015)

Be it ordained by the City Council of the City of Berlin as follows:

Now therefore, be it ordained by the Mayor and Council that the Code of Ordinances of the City of Berlin Chapter 17, Zoning, Article IX, Downtown Zone, Uses, Section 17-92, Permitted Uses is hereby amended as follows: 16. Club-Membership
17. Accessory uses to the above (new number only) This Ordinance shall be in full force and effect from and after passage.

Councilor Remillard moved with a second by Councilor Otis to remove the ordinance from the table at this time. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Higbee to amend the ordinance to now read Article IX, Downtown Zone, Uses, Section 17-92, Permitted Uses. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the ordinance, as amended, read a second time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to have the ordinance, as amended, read a third time by title only. So moved, the motion carried.

Councilor Remillard moved with a second by Councilor Otis to pass the ordinance as amended. Roll call resulted in unanimous affirmative votes of Council including Mayor Grenier who declared the ordinance, as amended, now passed.

NEW BUSINESS

3. School Department Tentative Agreement – No action.

Councilor Nelson moved with a second by Councilor Higbee to delay the vote until June 1. So moved, the motion carried.

4. City Manager's Report

1. The City Clerk will be staggering lunch hours within the department in order to keep the City Clerk's window open between noon and 1 pm. Certain items, such as dog license sales, pick up this time of year and this change is expected being made to accommodate public.

2. The City has received notification from the NHDES that our request for an Expedited Review of Wetlands and Alteration of Terrain Permits for the Hutchins St. Extension has been approved. This approval will help us maintain the project schedule.

3. The City received two responses to it request for bulk fuel on May 12th. Pricing was as follows:

Bidder	Fuel Type	Unit Price
CN Brown	Bulk	\$2.199/gallon
	Local	\$2.299/gallon
Burke	Bulk	\$2.268/gallon
	Local	no bid

This pricing should yield about a \$100,000 reduction in the FY16 Budget expenses.

4. On Friday May 15, 2015 the City received one proposal for annual assessing services. The lone respondent was KRT Appraisal. The Board of Assessors will be reviewing the proposal at their May 19th meeting.

5. New Hampshire Business Review published an article on the economic impact of OHRV's in the North Country on May 14, 2015. The article can be viewed at:
<http://www.nhbr.com/May-15-2015/Let-em-Ride/#.VVIG0plpED8.facebook> A copy is also attached.

6. On May 12, 2015 Judge D. O'Neil, III, presiding in Belknap Superior Court, ruled on the New Hampshire Electric Cooperative (NHEC), Inc. v. Town of Gilmanton. The case stems from a disagreement over the valuation of electric distribution facilities within Gilmanton. The judge upheld the methodology and valuation of Mr. George Sansoucy, appraiser for the Town, while giving very little weight to the values produced by the NHEC and DRA appraisers. This decision is a positive outcome for all of the communities involved in pole and distribution facility assessing cases.

7. Attached is the annual Municipal Water Use tabulation provided by Berlin Water Works.
8. Attached are the pertinent sheets from the NHDOT Red Listed Bridges Report. The City has two bridges that are red listed. One on Cole St. and one on Hillside Ave. Both are over the Dead River. The Cole St. Bridge is actually in good to very good condition. It is red listed for a capacity rating issue. The Hillside Ave. Bridge is scheduled for replacement. The NHDOT also notes work needed by NHDOT on a Rte. 110 bridge that is outside the Urban Compact.
9. The Building Trades Program of the Berlin Regional Career and Technical Center will be holding an open house on May 27, 2015 at the newly constructed Gilbert Street Recreation Building. The time of the event is from 4:00pm to 6:00pm. Mayor and Council are invited to attend.
10. The Senate Finance Committee is currently undertaking budget recommendations for several state agencies and programs. The NHMA testimony cites the following as their priority issues:
 - restore funding for municipal highway and bridge aid, as promised when the gas tax was increased last year
 - restore the catch-up formula for the meals and rooms tax distribution to move municipalities closer to their statutory 40% share, and
 - appropriate the state aid grant (SAG) funds necessary to pay the state's share of local water and wastewater projects as required by statute. The testimony can be viewed at:
<https://www.nhmunicipal.org/Resources/LegislativeBulletin/83>

Councilor Rozek moved with a second by Councilor Morgan Allain to accept the City Manager's Report and place it on file. So moved, the motion carried.

5. Mayor's Report

Mayor Grenier addressed the audience since there were so many members here. He told them that he spoke pointedly at the last meeting to insure harmony between the American Legion and the merchants. The concern is that many of the downtown property owners have made significant financial investments in their buildings but he is encouraged by the positive comments tonight. Mayor Grenier welcomed the American Legion as a new addition to the downtown. They will be good citizens who take pride in the community.

Councilor Rozek moved with a second by Councilor Higbee to accept/file the Mayor's Report. So moved, the motion carried.

6. Public Comments – Thank you from the Veterans

7. Council Comments

Councilor Morgan Allain asked when the ATV trails would reopen. Councilor Nelson replied the trails officially reopen on May 23 and there will be an opening ceremony at the Jericho warming hut.

8. Adjournment: There being no further business before the Mayor and Council, Councilor Theberge moved with a second by Councilor Rozek to adjourn the regular meeting. So moved, the motion carried and Mayor Grenier declared the regular meeting closed at approximately 8:11 p.m.

A True Record, Attest:
Debra A. Patrick, CMC
City Clerk